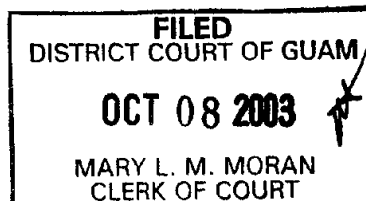


ORIGINAL



DISTRICT COURT OF GUAM
TERRITORY OF GUAM

TONY H. ASHTIANI,

Plaintiff,

vs.

CONTINENTAL MICRONESIA INC.,
dba CONTINENTAL MICRONESIA,
and CONTINENTAL AIRLINES, INC.,

Defendant.

Civil Case No. 02-00032

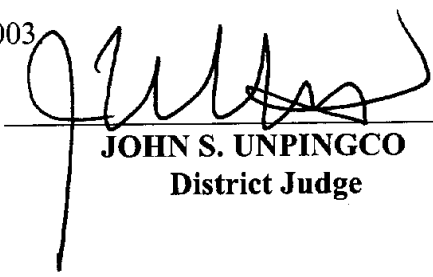
ORDER

This Court scheduled oral arguments on Plaintiff's Motion for Protective Order to be heard on October 22, 2003. In his motion, Plaintiff seeks to prevent Defendant from taking depositions of himself on October 8 and 9, 2003, and of two individuals on October 10, 2003. However, the Scheduling Order¹ adopted by the parties and approved by this Court precludes the taking of depositions past the discovery cut-off date of October 1, 2003. Therefore,

¹Pursuant to Rule 16(e), the Scheduling Order controls the parties' course of action unless the Court orders it to be changed. FED. R. CIV. P. 16(e).

1 Defendant can not take depositions past October 1, 2003, unless the Scheduling Order is
2
3 modified.² Accordingly, the Court finds Plaintiff's Motion for Protective Order moot and
4 vacates the oral hearing date scheduled for October 22, 2003.

5 SO ORDERED this 8th day of October, 2003

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8 **JOHN S. UNPINGCO**
9 **District Judge**
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27 ²Rule 16(b) of the Federal Rules of Civil Procedure states: "A schedule shall not be
28 modified except upon a showing of good cause and by leave of the district judge" FED. R.
CIV. P. 16(b).